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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK

BY

DEPUTY

MONROE DIVISION

TERRANCE T. BROWN
LA. DOC #432458

VS.

CIVIL ACTION NO. 3:10-cv-1885

SECTION P

JUDGE DONALD E. WALTER

WARDEN ALVIN JONES

MAGISTRATE JUDGE KAREN L. HAYES

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

IT IS ORDERED that the petitioner's Motion to Reopen/Reinstate Case and to Amend/Correct Claim [Doc. 13] be **GRANTED**; that the Judgment of July 22, 2011 [Doc. 12] be **VACATED**, and, that petitioner's petitions for writ of *habeas corpus* be **DISMISSED WITH PREJUDICE**.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 15 day of Dec, 2011.


DONALD E. WALTER

UNITED STATES DISTRICT JUDGE